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Remarks

In a telephone interview on November 18, 2005, the restriction was discussed, particularly concerning applicants' previous express admission of obviousness between claims 1 and 2, but no agreement was reached.

This Amendment is responsive to the Office Action dated October 19, 2005. Claim 1 is rejected, claims 2-7 have been withdrawn, but the withdrawal continues to be traversed.

1. Claim 1 has been amended to recite "burn" instead of "decompose". As amended, the claims are complete analogs of each other. Claim 1 states "A method of" and claim 2 calls for "A filter apparatus for"; claim 1 calls for "providing", while claim 2 does not. Claim 3 calls for "means for" while claim 2 does not. Otherwise, the claims are identical.

The requirement to restrict has been made final. However, that should not have happened. MPEP 803.01 GUIDELINES states: "If there is an express admission that the claimed inventions are obvious over each other within the meaning of 35 USC 103, restriction should not be required. In the previous response, applicants declared "claims 1 and 2 to be obvious one over the other. Therefore, the requirement to restrict must be withdrawn." Certainly, the difference in the two claims being decomposition and burning would not stop an examiner from rejecting both of them if prior art on either of those words were found. In any event, the Examiner, in a telephone interview, has provided no explanation for ignoring the previous quotation from the MPEP.

Since claim 1 has been amended to recite "burn", and as described hereinbefore, they are now perfect analogs. Since, before the restriction was made final, applicants have declared them to be unpatentable over each other, the restriction should not have been made final, and at this time, should be reconsidered and the finality of the restriction and the restriction withdrawn: both (a) because of MPEP 803.01 quoted hereinbefore and (b) as amended, the apparatus cannot be used for any other process nor can the process be practiced by other than such an apparatus. Further, MPEP 806.05(e) states that "If the apparatus claims include a claim to "means" for practicing the process, the claim is a linking claim and must be examined with the elected invention. If it is ultimately allowed, rejoinder is required." In the only place it would make sense, claim 2 does include "means

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for" the corresponding step in claim 1. Since the first step of claim 1 is a "providing step" it would not make sense to use a means clause in the first step of claim 2.

For the foregoing reasons, reconsideration and withdrawal of the requirement to restrict is hereby respectfully requested.

2. Entry of the amendment herewith is requested in order to refer to Fig. 11 as required.

3,4. Claim 1 is rejected as indefinite. Claim 1 has been amended to refer to "syngas and said exhaust", removing the indefiniteness. Therefore, withdrawal of the objection is hereby respectfully requested. Claim 2 has also been amended to avoid -112 indefiniteness.

5,6. Claim 1 is rejected as obvious over Maunula in view of Buchanan et al (Buchanan). While Maunula may disclose what the rejection says it does, the rejection of claim 1 does not follow the actual language of claim 1. Therefore, Maunula is irrelevant. Claim 1 requires "interdigitated ceramic filter including a plurality of inlet channels and a plurality of outlet channels contiguous with said inlet channels, and having NOx adsorbent material and NOx reduction catalyst material disposed on or in at least one of (a) on the surfaces of said channels or (b) within the pores of said filter or (c) within the materials which said filter is composed." Maunula has separate apparatus 4, 5; 5, 4; 4', 5' disclosed in Figs. 1, 2 and 4; reference 4 being a particulate trap or filter, and reference 5 having NOx catalyst. Nowhere is there NOx adsorbent material. It is true that Buchanan uses the word "syngas" but he does not use it in conjunction with NOx. Instead, (column 5, lines 36 et seq.) Buchanan is teaching methods for dealing with sulfur oxides. The sulfur oxide beds are regenerated with reducing gas. The reducing gas may be syngas, as recited in the Office Action. Buchanan does not teach using syngas "to regenerate said NOx adsorbing material". Furthermore, there is nothing in Buchanan concerning using syngas "to catalytically burn particulates trapped in said filter" as called for in claim 1. There is a total lack of disclosure in that regard. MPEP 2143 and 2143.03 require that the references when combined must teach all of the claimed limitations. These two references clearly do not. Each one fails as a teaching of what the rejection alleges for it. Certainly there is no suggestion in the sulfur removing case of Buchanan that all of its teachings would be

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useful in the NOx and filtering system of Maunula, as required in MPEP 706.02(j), 2143 and 2144.

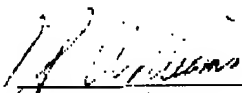
For all the foregoing reasons, reconsideration and withdrawal of the rejection of claim 1 on these references is requested.

Obviously, claim 2 is patentable for the same reasons as stated hereinbefore with respect to claim 1. The remaining claims are dependent upon claim 2 and patentable for the same reasons. Therefore, withdrawal of the restriction requirement, withdrawal of the rejection of claim 1, reinstatement of claims 2-7 and allowance of claims 1-7 is hereby requested.

7. With respect to Cohen et al, nitrogen is removed by ammonia gas, and there is no description of regeneration therein that would be of any use in the system set forth in the present claims.

8. Should any part of the foregoing be deemed to be non-persuasive, a telephone interview is earnestly solicited. An IDS is provided herewith.

Respectfully submitted,



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